

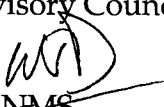


**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**

**Monterey Bay National Marine Sanctuary**  
299 Foam Street  
Monterey, California 93940

April 5, 2002

MEMORANDUM FOR: Stephanie Harlan  
Chair, MBNMS Advisory Council

FROM: William J. Douros   
Superintendent, MBNMS

SUBJECT: Sanctuary Fireworks Guidelines

Several months ago, the Sanctuary Advisory Council (SAC) expressed support for a comprehensive review of professional fireworks activities within the Sanctuary and the development of a management strategy that would protect Sanctuary resources and qualities, while allowing the continuation of traditional coastal fireworks displays. The Monterey Bay National Marine Sanctuary (MBNMS) has been working with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) during the past year to craft Sanctuary permitting guidelines that will accomplish the above stated goal. I am pleased to report that the guidelines have been finalized, presented to the primary fireworks sponsors within the Sanctuary, and have received a positive response.

The Sanctuary established several goals prior to developing the guidelines:

1. Assure that light, sound, and debris resulting from fireworks displays do not cause significant or cumulative long-term negative impacts to Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) resources or qualities;
2. Stabilize and streamline the authorization of marine fireworks displays, including the issuance of multi-year permits when appropriate, standardization of permit conditions, and Sanctuary acquisition of a single NMFS marine mammal incidental take permit and a single USFWS biological opinion on behalf of all fireworks sponsors;
3. Protect sensitive habitats from the proliferation of marine fireworks within the Sanctuary by confining displays to traditional public display areas; and
4. Prevent adverse cumulative impacts by establishing a fireworks display quota for each of the four traditional display areas, which will allow continuation of historical displays, but limit overall number and frequency of fireworks events.

Upon review of the potential impacts of professional fireworks displays and current practices throughout the Sanctuary, guidelines have been developed that establish four display areas, a per-annum limit on the number of displays allowed in each display area, and a Sanctuary-wide seasonal restriction. No annual fireworks displays within the Sanctuary were canceled, altered, or moved as a result of these new guidelines.



Additionally, we will now consider and issue 5-year permits, rather than annual permits, for projects that will occur at the same location in the same manner, such as municipal Independence Day shows. Also, the MBNMS has agreed to obtain a comprehensive NMFS marine mammal take permit and a single USFWS biological opinion on behalf of all fireworks display sponsors within the Sanctuary to eliminate as many as 40 separate administrative actions by cities and private entities that conduct fireworks displays within the Sanctuary. The MBNMS has already expended hundreds of hours of staff time toward completion of these requirements in order to save considerable time by sponsors if each were to seek separate Federal authorizations. Furthermore, the Sanctuary will conduct the monitoring required by the NMFS and USFWS authorizations.

An equal number of private and public displays will be considered for authorization within each display area. The Sanctuary will continue to assess displays on a case-by-case basis, using standard permit conditions to address concerns unique to each planned display. These conditions have evolved over the past nine years, as the Sanctuary has sought to improve its understanding of the potential impacts that fireworks displays have upon marine wildlife and the environment.

In general, remote areas and areas where professional fireworks have not traditionally been conducted will not be considered for fireworks approval. Areas designated as protected State Reserves and Refuges will not be considered appropriate areas for fireworks displays. Displays will not be authorized between March 1 and June 30 of each year, since this is the primary reproductive season for many marine species.

We have met with representatives from the City of Monterey, the City of Santa Cruz, Monterey First Night, the Pacific Grove Feast of Lanterns, the Monte Foundation, the MBNMS Business and Tourism Activities Panel, and others to explain these new guidelines. All have been pleased with the preservation of existing displays and display areas, a predictable permitting process, streamlined permitting aspects, elimination of individual authorization requirements under the Endangered Species Act and the Marine Mammal Protection Act, and relief from monitoring requirements. The MBNMS has incorporated suggestions from the City of Monterey and the BTAP for clarifying specific points in the guidelines, and has encountered no serious objections or conflicts during the presentation of the guidelines to the relevant sponsors. Sponsors will be meeting with the USFWS to address concerns about potential spectator damage to sensitive dune habitat in some areas, and we are confident that appropriate measures can be implemented to accomplish that goal.

If properly managed, a limited number of fireworks displays conducted in areas already heavily impacted by human activity can occur with sufficient safeguards to prevent any long-term or chronic impacts upon local natural resources. Sanctuary staff, from the beginning, have had no doubts that this activity can be responsibly managed to allow for continued enjoyment of marine fireworks displays, while protecting the natural sights and wonders that we all hold dear.

If you would like more information on these guidelines, please let me know. Contact Scott Kathey (831-647-4251, [scott.kathey@noaa.gov](mailto:scott.kathey@noaa.gov)) if you would like a copy of the guidelines.